

11-001.B. California Department of Social Services (CDSS) Answers to Questions Related to the WTW 24- Month Time Clock and other SB1041 WTW Program Changes (Third set)

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11-001.B.1 Meeting CalWORKs Federal Work Standards

Q. How does the ECM determine if a participant has met the CalWORKs federal work standards, which is one of the conditions that would un-tick the WTW 24-Month Time Clock?

A. A client who meets all of the following criteria is meeting the participation requirements for the purpose of not counting months toward the WTW 24-Month Time Clock based on meeting CalWORKs federal standards:

- The client's activities) meet a definition listed in [CPG 10-001 H.](#)

Note: This includes the flexibility for counting barrier removal activities toward Job Search/Job Readiness or employment.

- For vocational education and job search activities, the client's participation has not exceeded the federal limitations:

Federal Core Activity	Federal time limit
Job Search/Job Readiness	4 consecutive weeks, not to exceed 6 weeks, or 12 weeks in a 12-month period when California is considered a "Needy State"
Vocational Training (VTR)	12- month lifetime limit

- The number of hours the client is scheduled to participate in

each week meets the minimum weekly number of core and non-core hours in activities that meet the CalWORKs federal standards, depending on the number of parents and the age of the child(ren) in single-parent families.

Note: Participation hours are a weekly minimum, not averaged.

Summary of federal weekly hour requirements:

WTW family type	Weekly Participation and core hour requirements
Single parent with child under 6 years old	20 hours all 20 in core activities
Single parent with <u>no</u> child under 6 years old	30 hours, of which 20 in core activities
Two-parent families (deprivation due to unemployment)	Combined 35 hours, 30 in core activities
Two-parent families (with one parent disabled)	Non-disabled parent: 20 or 30 hours (depend on child's age), of which 20 in core activities

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11-001.B.2 Scheduled Hours and Federal Work Standards

Q. How does the ECM use scheduled hours to determine when a participant is meeting federal Work Participation Requirements (WPR) during the WTW 24-Month Time Clock?

A. Scheduled hours, as agreed upon and listed in the WTW plan (WTW2) signed by the participant, are used to determine if a month will count toward the WTW 24-Month Time Clock.

For participants who have signed a WTW plan under the new program rules, months will not be counted toward the WTW 24-Month Time Clock unless:

- The ECM receives verification that the client participated in fewer than the scheduled hours listed in the signed plan; or
- The ECM otherwise determines that a client is not meeting federal work standards

There will be two distinct categories of participants:

- Those whose WTW plans are designed to automatically count current and prospective months toward the WTW 24-Month Time Clock due to the mix of activities and/or hours in their WTW plan that do not meet the federal work standards; and
- Those whose plans do not automatically count current and

prospective months on the WTW 24-Month Time Clock due to the activities and hours in their WTW plan that meet federal work standards (weekly participation and core hours).

The use of scheduled hours to calculate the WTW 24-Month Time Clock is not intended to change or alter a CWD's existing policies and procedures for verification of attendance or the noncompliance process.

Note: The process of tracking months toward the WTW 24-Month Time Clock is separate from calculating the federal Work Participation Rate (WPR). See [CPG 10-001 B](#).

Clients not scheduled to meet federal work standards

For a client whose signed WTW plan by default counts the current and prospective months toward the WTW 24-Month Time Clock because of the mix of activities and hours, scheduled hours will be used to count months toward the clock, unless the ECM receives verification that indicates the client has participated in hours and approved activities that meet CalWORKs federal standards.

When this occurs, the CWD will retroactively restore months to the WTW 24-Month Time Clock in which CalWORKs federal standards were met.

If the client indicates he or she wants the new hours in the approved activity to be ongoing, the worker should amend the WTW plan with the client.

If this continues on a regular basis, but the client has not asked for a change in his or her WTW plan, the county should ask if the client wants to amend his or her WTW plan at the client's next regularly scheduled appointment.

Example:

Jane is a single mom without a high school diploma with a 14 year-old child. The long-term goal for Jane is to obtain full-time employment with state government, job position which requires a high school diploma or equivalent.

Jane has been working two days a week for 16 hours each week, attending General Education Development (GED) classes three days a week and supervised homework for a total of 14 hours a week. These months have been counted toward her WTW 24-Month Time Clock,

since the participant is meeting participation (PTE=16 + GED=14), but not the federal 20 core hour requirement.

However, the employer offers more hours to Jane who begins working 20 hours per week while continuing her 14 education hours. With the additional work hours the participant meets the 20-hour core requirement.

Jane reports this change to the ECM and submits verification with her monthly attendance report (form 116 HHSA).

Upon receipt of the verification, the participant's WTW 24-Month Time Clock is adjusted to un-tick the one month that she met the federal work standards.

If verification such as a work schedule for several months shows that this hour increase is ongoing, the ECM should ask the participant to sign a new WTW plan designed to meet the federal work standards (30/20 participation and core hours) prospectively.

If verification does not show that federal work standards are met on an ongoing basis, but Jane continues to submit verification of work hours that meet the federal core hour requirements, these additional months will not count toward her WTW 24-Month Time Clock.

If Jane does not request to modify her WTW plan, the ECM will ask her if she wishes to do so at the next scheduled appointment.

Summary:

If the participant has signed a new plan after 1/1/2013 and...	The WTW 24-Month Time clock will...
He/she is: Participating in fewer than the scheduled hours listed in the WTW plan; and/or Is not participating in core activities	Tick
He/she is meeting federal WPR after providing verification of additional participation hours in core activities	Un-tick
Participant submit verification that federal WPR is met in that month; <u>and</u> Participation in additional hours in core activities is expected to continue on ongoing basis	Un-tick (new plan is required to add core activities)
Participant submit verification that federal WPR is met in that month even though	Un-tick (a plan revision may

participation in additional hours in core activities is not included in the plan because not expected to continue on ongoing basis	be needed)
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Participants scheduled to meet federal work standards

For a participant whose signed WTW plan does not count prospective months on the WTW 24-Month Time Clock, scheduled hours will be used to determine months that will not count toward the time clock.

Months will be counted toward the WTW 24-Month Time Clock the first of the month following the date when:

- The ECM receives verification that a participant is no longer participating in the hours and activities in the plan that meet federal work standards; or
- The ECM otherwise determines that the participant is not meeting those standards.

Non-compliance

There are no changes to current non-compliance procedures applicable to participants who decrease or change their participation outside of their plan.

If the compliance process is initiated, months will begin or continue to count toward the WTW 24-Month Time Clock until federal work standards are met or a sanction is imposed.

Months in which CalWORKs federal standards are met through participation in a compliance plan will not count toward the participant's WTW 24-Month Time Clock.

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After a compliance plan has been completed or a sanction has been cured, counting months on the WTW 24-Month Time Clock will again be based on the existing or new WTW plan.

Example:

Sharon is a single parent with two children, ages eight and eleven. She has been providing child care for 30 hours each week to another CalWORKs recipient who is participating in community service.

On June 10 the ECM is informed by the community service participant that she needs a new child care provider because Sharon stopped providing child care. On June 13, the ECM sends Sharon a WTW 38 with a Notice of Action (NA) 840 and a WTW 27 with an appointment

for June 21 to discuss her participation.

On June 20, Sharon calls the ECM to reschedule her appointment and a new appointment is set up for July 3. Sharon does not show up for her appointment on July 3.

The ECM calls the participant to determine if Sharon had good cause for missing her appointment. Sharon is not home at the time of the call, so the ECM leaves her a voice mail message to contact her worker. Sharon does not contact her worker. The ECM initiates the WTW sanction and Sharon is removed from the assistance unit (AU) on August 1.

The ECM counts the month of July toward Sharon's WTW 24-Month Time Clock. The ECM does not count the month of August toward Sharon's WTW 24-Month Time Clock or any of the following months in which Sharon continues to be removed from the AU due to her WTW sanction status.

Summary:

If in a month the participant is...	The WTW 24-Month Time clock will...
In non-compliance and Good Cause cannot be determined	Tick
Sanctioned and he/she is removed from the Assistance Unit	Un-tick

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**11-001.B.3
Notification
Requirements
when Federal
Work
Standards Are
not Met**

Q. What are the notification requirements when a CWD receives verification that a participant who is scheduled to meet federal participation and core hour requirements is not actually meeting those standards and the months count toward the participant's WTW 24-Month Time Clock?

A. In this situation, the CWD shall send the WTW 38 which notifies the participant that months will count toward his or her WTW 24-Month Time Clock beginning the month following the date that the ECM received verification or otherwise determines that the client is not meeting federal work standards.

The ECM would also send any other notices that are appropriate based on the participant's circumstances, such as a NA 840 or 841 to make an appointment to discuss a participation problem, and the WTW 27 to determine Good Cause.

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Note: The California Department of Social Services (CDSS) has not

yet issued instructions about meeting participation requirements after the WTW 24-Month Time Clock is exhausted.

**11-001.B.4
IPV, School
Penalty, Grant
less than \$10**

Q. Please clarify whether months count toward the WTW 24-Month Time Clock in the following situations:

- 1) The adult's needs have been removed from the Assistance Unit due to a school attendance penalty or the adult is unaided due to an Intentional Program Violation (IPV).
- 2) The adult's family is receiving a CalWORKs grant less than \$10.
- 3) A 16- or 17-year old non-parenting dependent teen who is required to attend high school is not attending school

A. The following regulations apply:

- 1) An adult whose needs have been removed from the family's cash aid due to a school attendance penalty or an IPV after July 1, 1998, is still in the AU and subject to all WTW participation requirements.

Unless the adult meets one of the conditions that would make a month not count toward the WTW 24-Month Time Clock, such as a WTW exemption, his or her months would be counted toward the WTW 24-Month Time Clock.

- 2) An adult in a family receiving a grant of less than \$10 is subject to the WTW participation requirements and the WTW 24-Month Time Clock. Months would count toward the WTW 24- Month Time Clock unless he or she meets one of the conditions that would allow a month to not be counted.

- 3) A 16- or 17-year old non-parenting dependent teen is not subject to the WTW 24-Month Time Clock, regardless of his or her school attendance.

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**11-001.B.5
Changing a
New or
Modified
Plan**

Q. The ECM is required to develop new or existing WTW plans based on the new SB 1041 participation requirements by June 30, 2013.

If this has been completed for a client, can the client change his or her plan at a later time if the requested change is consistent with the client's assessment?

A. Yes. CWDs may allow a client to amend his or her WTW plan if it is consistent with his or her assessment. In addition, the ECDM shall allow changes to WTW plans in accordance with regulations.

A client can evaluate and request a change to his or her WTW plan or subsequent amendments three working days after the signing of the WTW plan. There are no changes to current regulations in [CPG 10-005 G](#), which states that a client has 30 days from the date of the initial WTW activity to request a change or reassignment to another activity or component of the activity.

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Any time after this three-day and 30-day period, a client may request and the ECM may grant additional amendments to his or her WTW plan based on the client's assessment.

A determination to amend a WTW plan must be made on a case-by-case basis.

**11-001.B.6
Curing
Sanctions
Retroactively**

Q. State regulations instructs counties to lift sanctions for clients who were in sanction status when the new SB 1041 rules became effective on January 1, 2013, if the county has or obtains documentation showing earnings that would meet the new lower hourly participation requirements.

Eligibility staff was instructed to lift a sanction when clients submit verification of earnings with their QR 7 showing earnings without the number of hours, but the ECM can determine compliance by dividing the earnings by the state's minimum wage rate.

This differs from the instructions the state has issued for E2Lite for determining when a client has met federal participation requirements.

Which instructions should CWDs follow for curing sanctions and for determining when a client is meeting CalWORKs federal work participation requirements through E2Lite?

A. The minimum wage calculation for curing sanctions was only used, temporarily, for the purpose of determining if clients who were in WTW sanction status on January 1, 2013, were compliant with the new CalWORKs WTW participation requirements of SB 1041.

This is not an ongoing provision for newly sanctioned clients and has no impact for determining when a client is meeting the federal work participation rate.

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CWDs are to continue using the instructions issued for E2Lite for federal data reporting purposes.

**11-001.B.7
SB1041
Forms**

Q. What forms are being revised or created for the CalWORKs WTW program changes in SB 1041?

A. There have been several forms revised or created for the SB 1041 CalWORKs WTW program changes:

Form #	Title	Created/revised to...
WTW2	Welfare-to-Work Plan Activity Assignment	Include activities and hourly requirements within and outside of the Welfare-to-Work 24-Month Time Clock Expand the supportive services section
CW 2186 A	Exemption Request	Incorporate information on the Welfare-to-Work 24-Month Time Clock and changes in the types of exemptions
CW 2186 B	Exemption Determination	
CW 2206	Reengagement Informing Notice	Inform clients exempt as of December 31, 2012 under the AB X4 4 short-term young child exemptions that: Exemption has ended SB 1041 implemented changes to the WTW program requirements.
CW 2208	Welfare-to-Work 24-Month Time Clock informing Notice	Notify the client of the remaining months left on his or her WTW 24-Month Time Clock
WTW 38	Welfare-to-Work 24-Month Time Clock Notice	Notify clients who are scheduled to meet federal work standards and the ECM receives verification or otherwise determines that a client is not meeting these standards.

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11-001.B.8

Q. The California Department of Social Services (CDSS) previously,

**Countable
VTR Months
toward the
Federal Limit**

instructed counties not to count any months in which a client participated in vocational education prior to December 1, 2004 toward the CalWORKs 12-month limit on vocational education as a core activity.

However, new WTW regulation listed in ACL 12-67 [CPG 10-001 E.](#) states that clients who already have months counted toward the federal 12-month maximum do not get a new 12-month period for vocational education.

Please clarify how the counties are to consider vocational education prior to December 1, 2004, under the new SB 1041 participation requirements.

A. Senate Bill (SB) 1104 eliminated the old 18- and 24-month WTW participation requirements, which were effective from January 1, 1998, through November 30, 2004, and established the CalWORKs core and non-core requirements on December 1, 2004.

SB 1104 restricted the number of months clients could be allowed to participate in vocational education to 12 months as a core activity in the client's lifetime for CalWORKs participation purposes.

Counties were instructed to not count months prior to December 2004 towards the CalWORKs 12-month time limit on vocational education participation as a core activity. This instruction had no impact on how participation in vocational education was counted toward the federal 12-month limit on vocational education as a federally allowable core activity.

The CalWORKs core and non-core participation requirements were repealed through SB 1041.

The federal restriction on counting only 12 months of vocational education during a client's lifetime toward the federal work participation rate has not changed.

Therefore, any months that have been counted toward a client's federal 12-month limit on vocational education as a core activity will continue to be counted toward the federal limit for purposes of meeting the CalWORKs federal standards.

Summary:

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Vocational Training (VTR) months	Counting toward the federal 12-month lifetime limit
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Prior to December 1, 2004	No
After December 1, 2004	Yes (mandatory participants only)

**11-001.B.9
Assigning
Employment
or Work
Experience
(WEX)**

Q. Can the County have a policy that instructs workers to attempt to assign work or work experience for all clients to help them connect to the workforce under the new WTW 24-Month Time Clock rules?

A. No. SB 1041 provides that during the WTW 24-Month Time Clock, a client may participate in CalWORKs WTW activities that are needed to lead to self-supporting employment without the WTW plan having to meet a core hourly requirement.

The flexibility provided within the WTW 24-Month Time Clock is meant to give clients the necessary education, training, and other barrier removal activities (such as mental health, substance abuse or domestic abuse services) they may need.

ECMs and clients may agree that work or work experience is an appropriate activity when such activities are consistent with the client's assessment.

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However, instructing ECMs to attempt to assign all clients to work activities regardless of the results of their assessments would conflict with the intent of the WTW 24-Month Time Clock period.

**11-001.B.10
Restricted
Activities and
WTW Clock**

Q. State regulations require ECMs to:

- Conduct a reappraisal of any client who does not obtain unsubsidized employment upon completion of all activities in his or her WTW plan
- Determine whether extenuating circumstances exist for the client that prevents him or her from obtaining employment within the local labor market.

If the ECM finds that extenuating circumstances do not exist, the client may only participate in specified activities. These activities include unsubsidized employment, work experience, self-employment, job skills training directly related to employment, and specified barrier removal services.

Does this mean that a client who completes his or her WTW plan and still has time remaining on his or her WTW 24-Month Time Clock is

restricted to these specified activities?

A. No. Activities are not restricted and the reappraisal process does not apply when there is time remaining on a client's WTW 24-Month Time Clock. Reappraisal and assignment to a more restricted list of activities would be inconsistent with participation in the new 24-month period enacted in SB 1041.

Therefore, reappraisal is not required for participants who have months remaining on their WTW 24-Month Time Clocks, and clients are not restricted to unsubsidized employment, work experience, self-employment, job skills training directly related to employment, and specified barrier removal services if he or she completes the activities in his or her WTW plan during this period.

Clients with time remaining on their WTW 24-Month Time Clock who have completed a WTW plan may continue to participate in WTW 24-Month Time Clock activities during the remainder of this period, based on the assessment.

However, restriction to specified activities such as unsubsidized employment, work experience, self-employment, job skills training directly related to employment, and specified barrier removal services is fully applicable to participants who have exhausted their WTW 24-Month Time Clock and are required to meet the CalWORKs federal participation requirements.

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